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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,528	06/23/2003	Shoichi Saito	OOCL-138 (YA-03S0540)	1765
26479	7590	11/29/2006	EXAMINER	
STRAUB & POKOTYLO 620 TINTON AVENUE BLDG. B, 2ND FLOOR TINTON FALLS, NJ 07724			MISLEH, JUSTIN P	
			ART UNIT	PAPER NUMBER
			2622	

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/602,528	<b>Applicant(s)</b> SAITO ET AL.	
	<b>Examiner</b> Justin P. Misleh	<b>Art Unit</b> 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 - 17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>6-23-03</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Claims 1 – 17 in the reply filed on September 14, 2006 is acknowledged.

### ***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted on June 23, 2003 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the Examiner.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claims 6, 7, and 9** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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6. **Claims 6 and 7** each recite that the “light amount adjustment unit” and the “lens unit” are “integrally coupled”; however, independent Claim 1 requires that those “unit[s]” are detachably coupled. There is insufficient antecedent basis for this limitation in these claims.
7. **Claim 9** is rejected by virtue of its dependency on Claim 6.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. **Claims 1 – 17** are rejected under 35 U.S.C. 102(e) as being anticipated by Miyamoto et al. (US 6,390,693 B1).

10. For **Claim 1**, Miyamoto discloses, as shown in figures 2, 5, and 6, an optical unit comprising:

a light amount adjustment unit (13 and 35; see figure 1), having an optical member (32; see figure 1) which receives a light beam from an object,

a light amount adjustment mechanism (20; see figures 5 and 6) to adjust a light amount of the light,

a light amount adjustment actuator unit (25; see figures 5 and 6) which drives the light amount adjustment mechanism (20), and

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a first case (19 and 30; see figure 2), the light amount adjustment mechanism (20), and the light amount adjustment actuator unit (25); and

a lens unit (50; see figure 2) having a lens group (31 and 32; see figure 2) which is movably arranged to obtain a predetermined object image from the light beam whose light amount is adjusted by the light amount adjustment mechanism (see figures 3 and 4),

a lens driving actuator unit (8; see figure 1) which drives the lens group (31 and 32), and

a second case (19 and 50; see figure 2) which accommodates the lens group (31 and 32) and the lens driving actuator unit (8),

wherein the light amount adjustment unit (20) and lens unit (50) can detachably be coupled through coupling means (3 and 43; see figure 1) provided between the first case and the second case (see figures 2 – 4).

The Examiner considers the first case to be the combination of items 19 and 30 as shown in figures 2 – 4 and the second case to the combination of items 19 and 50 also as shown in figures 2 – 4. As clearly shown, the first case is detachable from the second case.

11. As for **Claim 2**, Miyamoto discloses, as shown in figure 2, wherein the light amount adjustment actuator unit (20) is arranged adjacent to one side of the optical member (32; see figure 4).

12. As for **Claims 3 and 4**, Miyamoto discloses, as shown in figure 2, wherein the optical member (32) includes a reflecting optical member which deflects the light beam incident from the object (lenses 31 and 32 are photographic/zooming lenses; accordingly, member 32 is reflecting and deflects the light beam).

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13. As for **Claim 4**, Miyamoto discloses, as shown in figure 2, wherein the light amount adjustment mechanism (20) is arranged on a coupling surface (19a) to the lens unit (50).

The outer surface of item 19 is the coupling surface (19a) to the lens unit (50; see figure 4).

14. As for **Claims 6 and 7** (see 112, 2<sup>nd</sup> paragraph rejection above), Miyamoto discloses, as shown in figure 4, wherein in a state wherein the light amount adjustment unit (20) and the lens unit (50) are integrally coupled, the light amount adjustment actuator unit (25) and the lens driving actuator unit (8) are arranged along a linear region that is substantially parallel to a direction of an optical axis of the lens group (clearly shown in figures 2 – 4).

15. As for **Claims 8 and 9**, Miyamoto discloses, as shown in figures 2 – 4, wherein the second case (19 and 50) has, at a coupling portion (3 and 43) to be coupled to the first case (19 via item 19a), positioning members (3c, 3d, and 43d) to position the optical member (32) accommodated in the first case (19 and 30; see figure 4).

16. As for **Claim 10**, Miyamoto discloses, as shown in figures 2 – 4, wherein the positioning member (3c, 3d, and 43d) provided in the second case (19 and 30) also serves as a positioning member between the cases to position the first case and the second case (see figure 4).

17. As for **Claim 11**, Miyamoto discloses, as shown in figures 2 – 4, wherein the positioning member (3 and 43) comprises a projecting portion (43) which projects along a direction of an optical axis (43 is clearly shown projecting in figure 2), the first case (19 and 30) has an insertion portion (3) which receives the projecting portion (clearly shown in figure 4), and the optical member (32) has an engaging portion (34a) which engages with the projecting portion (43) inserted into the insertion portion (3).

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18. For **Claim 12**, Miyamoto discloses, as shown in figures 2, 5, and 6, an optical unit comprising:

- a light amount adjustment unit (13 and 35; see figure 1), having an optical member (32; see figure 1) which receives a light beam from an object,

- a light amount adjustment mechanism (20; see figures 5 and 6) to adjust a light amount of the light,

- a first case (19 and 30; see figure 2), the light amount adjustment mechanism (20), and the light amount adjustment actuator unit (25); and

- a lens unit (50; see figure 2) having a lens group (31 and 32; see figure 2) which is movably arranged to obtain a predetermined object image from the light beam whose light amount is adjusted by the light amount adjustment mechanism (see figures 3 and 4),

- a second case (19 and 50; see figure 2) which accommodates the lens group (31 and 32) and the lens driving actuator unit (8), and

- a coupling portion (3 and 43), arranged between the first case (19 and 30) and the second case (19 and 50), for detachably coupling the light amount adjustment unit (20) and lens unit (50).

The Examiner considers the first case to be the combination of items 19 and 30 as shown in figures 2 – 4 and the second case to the combination of items 19 and 50 also as shown in figures 2 – 4. As clearly shown, the first case is detachable from the second case.

19. As for **Claims 13 – 17**, Miyamoto discloses, as shown in figures 9 and 15, an electronic camera for the optical unit of Claims 1, 4, 6, 9, and 12, respectively.

The CPU and zooming motor shown in figure 15 indicate the camera is electronic.

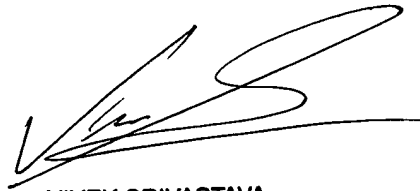
***Conclusion***

20. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Justin P Misleh whose telephone number is 571.272.7313. The Examiner can normally be reached on Monday through Friday from 8:00 AM to 5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Vivek Srivastava can be reached on 571.272.7304. The fax phone number for the organization where this application or proceeding is assigned is 571.273.3000.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JPM  
November 27, 2006



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